

From: Pat Boyd <PatB@Safechain.com>
Sent: Wed 4/21/2021 12:24:18 PM (UTC)
To: "Martha M. Rumore" <mrumore@frierlevitt.com>, Charles Boyd <CharlesB@Safechain.com>, Abbie Divilio <AbbieD@Safechain.com>
Cc: "Jesse C. Dresser" <jdresser@FrierLevitt.com>, Anthony Berger <Tonyb@Safechain.com>, "Adam Brosius (Contact)" <adam@pharmasales.com>
Subject: RE: Gilead / Safe Chain - Call Follow Up

I think your response on why T3's exist is great and at this point we should be encouraging them to look at the sources more than ourselves. I also think it's time we ask them some questions as well instead of just being taken to the wood shed with their constant demands of us. It seems like all their responses were that they'd have to ask the client, but they don't believe they'd be sharing anything more? If we took that route do they file? We've given them everything in question that has had an issue to date and are willing to even give more with invoices that we went above and beyond to collect. If we did this on every transaction we would need 25 more compliance people and probably be told we aren't entitled to this info, so where does it end?

- We still have gotten nothing from their side, will they at least acknowledge that they don't believe safe chain is directly falsifying T3's? we've given them everything we've gotten from the vendors in question
- Have they had other issues similar to this with other distributors? We weren't the only clients of Blvd, Rapids and Gentek they sold to other wholesalers and end users.
- "Inconsistent with their records" does that mean one bottle? Full lots? Do the lots exist?
- 80% of our products are bought from someone that has an AD relationship, not from the AD directly
- We have only had issues with Gilead products from these vendors, no other medications in any instance, branded or generic
- I'd like to remind them we reported these issues to them. That we've been willing to cooperate and protect patient safety from the beginning

Follow up from later email:

- **I do not think we provide t3's. We told them the AD on the T3 and the lots. If our direct vendors lose their AD accounts we lose a lot more than Gilead access. We've probably already lost rapids who had offered us dozens of sku's. We can't afford to lose vendors for what's left of the business outside of Gilead. Again, they have given us nothing but more hassle, demands and worry.**
- Absolutely let's give them the Amerisource invoices. Rapids had an issue, no other vendors we've vetted or are vetting have had an issue with Gilead or any other product
- Their letter is unreasonable and there was no intent in blame on anyone but Gentek.
- We'd also like to hard mail these transmissions to customers to avoid this spreading like the letter they used a marketing company to disseminate to 44,000 implying we falsified the documents.

GOVERNMENT
EXHIBIT

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1:24-cr-20255-WPD



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From: Martha M. Rumore <mrumore@frierlevitt.com>
Sent: Tuesday, April 20, 2021 10:06 PM
To: Charles Boyd <CharlesB@Safechain.com>; Abbie Divilio <AbbieD@Safechain.com>
Cc: Jesse C. Dresser <jdresser@FrierLevitt.com>; Pat Boyd <PatB@Safechain.com>; Anthony Berger <Tonyb@Safechain.com>
Subject: FW: Gilead / Safe Chain - Call Follow Up

Hi All:

Some additional follow up from Gilead. They tweaked the letter so that it does not indicate that the reason for this notification is based on Gilead's DSCSA determination. I believe the notification IS based on Gilead's determination in its entirety. You do not have to accept all (OR ANY) of their changes and, in fact, you may have sent your letter out already. However, if you accept the changes, that is your business decision.

See Gilead's counsel's follow up email to Jesse and I below. We wanted to provide this for you to review. In my previous email I inadvertently omitted they are still requesting the provision of the pedigree documentation for Safe Chain's purchases from Boulevard 9229.

Also, please try to obtain confirmation in writing about the Amerisource to Rapids and Castillo to Synergy from both Rapids and Synergy as part of your due diligence so that you have it.

Best,
Martha

Martha M. Rumore, PharmD, MS, JD, LLM
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From: Beckerlegge, Robertson D. <rbeckerlegge@bakerlaw.com>
Sent: Tuesday, April 20, 2021 9:04 PM
To: Jesse C. Dresser <jdresser@FrierLevitt.com>; Martha M. Rumore <mrumore@frierlevitt.com>
Cc: McDonald, Heather J. <hmcDonald@bakerlaw.com>; Wallace, Kevin M. <kwallace@bakerlaw.com>
Subject: Gilead / Safe Chain - Call Follow Up

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Dear Jesse and Martha:

Thank you again for your time this evening. We appreciate the follow up and explanations. I wanted to circle back on a few of the issues we discussed:

- I confirmed that Gilead received the two bottles at issue from Capital Heights. They are being examined.
- You mentioned that Rapids provided ABC invoices. Would you be willing to provide those? And while on the topic of invoices, would you be willing to provide the invoices associated with Safe Chain's purchases from both Mr. Unlimited and Boulevard 9229?
- Regarding our discussion that Safe Chain recently sourced Gilead-branded medicines from an unidentified third party that allegedly were first sold to Cesar Castillo, Inc., I confirmed that Gilead would like to examine the pedigree documentation, not just lot numbers and expiration dates. Please provide the pedigree documentation. Also, I wanted note, and I am sure you and your client are aware, there is FDA guidance on identifying suspect, illegitimate, and potentially counterfeit medicine. (See page 2 of my April 1, 2021 letter to you.)
- Concerning the proposed Gentek customer letter, we are concerned that the letter unfairly and unnecessarily attempts to somehow pin blame on Gilead. It is misleading to consumers and potentially causes confusion. We request that it be a bit shorter and more factual. We have attached a redline with our required edits.

Finally, the above is in addition to what we discussed on the phone which remain outstanding: (i) the provision of the pedigree documentation for Safe Chain's purchases from Boulevard 9229 and (ii) the provision of any communication to downstream customers concerning Safe Chain's purchases from Rapids/Mr. Unlimited.

We look forward to receiving all of the above information.
If you have any questions, please just let me know.

The above is without prejudice to any rights and remedies of Gilead, all of which are expressly reserved.

Thanks.

Robb

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